

REMARKS/ARGUMENTS

The present application has been reviewed in light of the Final Office Action dated February 6, 2009. Claims 1-34 and 36-38 are currently pending, of which claims 26, 28 and 33 are amended herein. Claims 1-25 have been previously withdrawn from consideration. Claim 35 is cancelled herein. In light of the remarks that follow, early and favorable reconsideration and allowance of this application are respectfully requested.

Claims 26-32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,683,940 to Debue (hereinafter "Debue"). Applicant respectfully submits that that independent claim 26, as amended herein is allowable over Debue because Debue fails to disclose the limitations of independent claim 26.

Independent claim 26 recites an expandable joining member for joining body vessels including, *inter alia*, "a pair of guide rails extending radially inward from an inner surface of [an] annular body portion . . . such that . . . at least one locking tab is slidably received between the pair of guide rails." In an embodiment of the present application, as depicted in FIG. 1 below for example, a joining member 200 includes guide rails 228 extending radially inward from annular body portion 202. The guide rails 228 define discrete channels, which correspond to a respective array of openings and slidably receive the locking tabs 220 as discussed in paragraph [0050]. Guide rails 228 facilitate movement of joining member 200 between retracted and expanded positions as discussed in paragraph [0051].

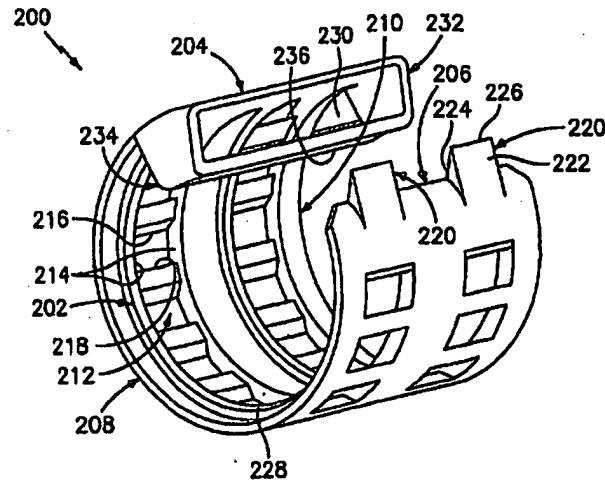
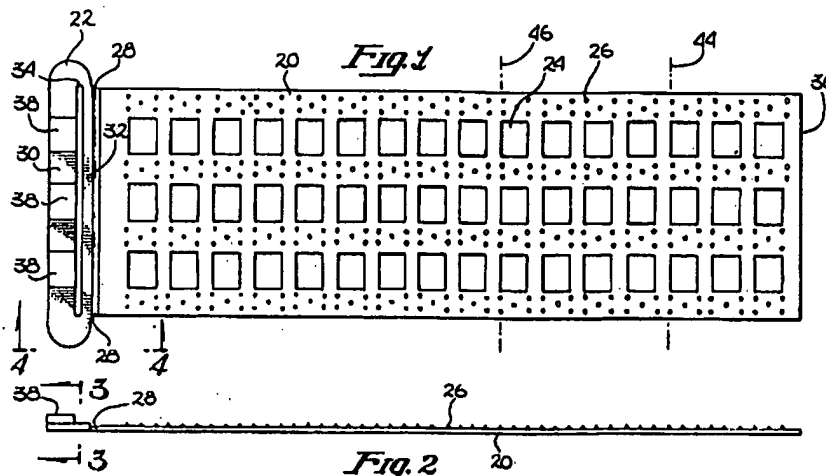
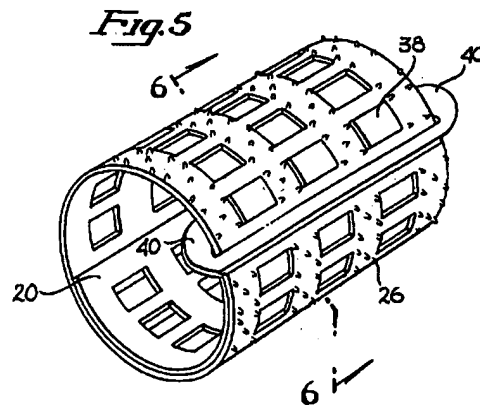


FIG. 1

In contrast to claim 26, Debye discloses an adjustable hair curler, which may be rolled from a flat configuration to a rolled configuration and locked into a plurality of hair curler sizes. As seen in FIG. 1 and 2 below, the hair curler includes a rectangular section 20 with a plurality of holes 24 extending therethrough. A plurality of protrusions 38 are configured to mate with the holes 24 as described at col. 3, lines 50-53.



The Examiner states that the hair curler of Debue includes guide rails formed along each side of an array of holes 24. The Examiner refers to the portions of rectangular section 20 between the longitudinal edges of the hair curler and the array of holes 24. As depicted in FIG. 2 above, however, the lower surface of the rectangular section 20 is generally flat. Thus, the rectangular section 20 does not define guide rails that extend radially inward when the hair curler is moved to the rolled configuration depicted in FIG. 5 below.



Applicant respectfully submits that Debue fails to include or disclose any structure in the form of "a pair of guide rails extending radially inward from an inner surface of [an] annular body portion . . . such that . . . at least one locking tab is slidably received between the pair of guide rails," as recited in independent claim 26. Since the lower surface of rectangular portion 20 is flat, the projections 38 are not slidably received between a pair of guide rails. In view of the foregoing, Applicant respectfully submits that the structure described in independent claim 26 is not taught, disclosed or contemplated by Debue.

Claims 26-28 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,984,963 to Ryan et al. (hereinafter "Ryan"). Applicant respectfully submits that that independent claim 26, as amended herein is allowable over Ryan because Ryan fails to disclose the limitations of independent claim 26.

As discussed above, independent claim 26 recites an expandable joining member for joining body vessels including, *inter alia*, "a pair of guide rails extending radially inward from an inner surface of [an] annular body portion . . . such that . . . at least one locking tab is slidably received between the pair of guide rails."

In contrast to claim 26, Ryan discloses several embodiments of endovascular stents. In one exemplary embodiment, as depicted in FIGS. 13 and 14 below and pertinent to all the embodiments depicted in Ryan, the endovascular stent includes a sheet having a plurality of slots 20A which are associated with tabs 22.

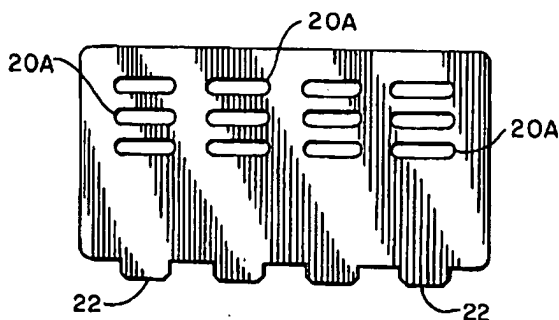


Fig. 13

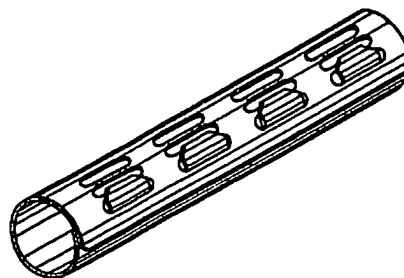


Fig. 14

With regards to the limitation of the guide rails, the Examiner states in the outstanding Final Office Action, when discussing Debue, that guide rails are “formed, one each, along each side of the two annular arrays of openings,” or when discussing Ryan, that “a pair of guide rails formed on an inner surface of the annular body (defined by outer edge and openings).” As seen in FIGS. 1 and 2 of Debue above or in FIG. 14 of Ryan above, the inner surface of the curler/stent is generally flat. Thus the curler/stent does not define guide rails that extend radially inward as recited in claim 26.

Each of the various other embodiments disclosed by Ryan share the same deficiency with respect to claim 26 as the embodiment depicted in FIGS. 13 and 14 of Ryan and discussed above. For example, the embodiment depicted in FIG. 12C below and described at col. 11, lines 24-36 of Ryan, includes radiopaque stripes 59 and 61 that do not project radially inward. Similarly, the embodiment depicted in FIG. 9 below and described at col. 10, lines 17-44 of Ryan does not include guide rails projecting radially inward. In contrast, the embodiment of FIG. 9 of Ryan includes a plurality of hoops 46 project radially outward from intermediate webs 48. The inner surface of the stent remains generally flat. Even if the stent were curled in an opposite direction, such that the hoops 46 projected inwardly, the intermediate webs 48 are not positioned such that the tabs are “slidably received” between the hoops 46.

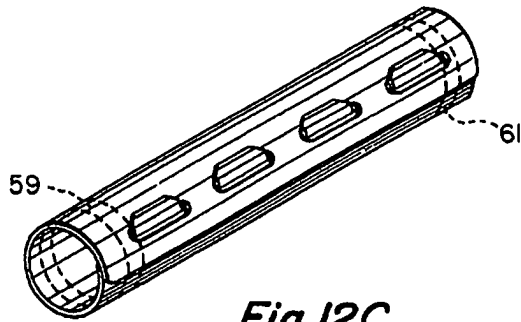


Fig. 12C

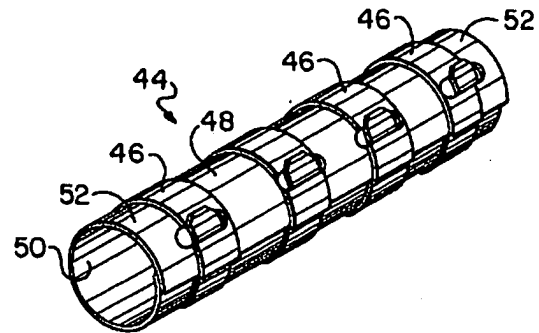


Fig. 9

In view of the foregoing, Applicant respectfully submits that the structure described in independent claim 26 is not taught, disclosed or contemplated by Debue, Ryan or the prior art references of record. Accordingly, Applicant respectfully submits that claim 26, as amended herein, is patently distinguishable over Debue and Ryan, and therefore allowable over Debue and Ryan under 35 U.S.C. § 102(b).

As claims 27-32 depend, directly or indirectly, from claim 26 and contain all of the features of claim 26, Applicant respectfully submits that claims 27-32 are also allowable over Debue and Ryan under 35 U.S.C. § 102(b). Applicant respectfully submits that the rejections of each of the claims 26-32 have been overcome and should be withdrawn.

Claims 33-34 and 36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Ryan. Applicant respectfully submits that that independent claim 33, as amended herein is allowable over Ryan because Ryan fails to disclose the limitations of independent claim 33.

Independent claim 33 recites an expandable joining member for joining body vessels including, *inter alia*, "a pair of guide rails extending radially inward from an inner surface of [an] annular body portion . . . such that . . . at least one locking tab is slidably received between the pair of guide rails." As discussed above with reference to claim 26, Ryan fails to disclose guide rails extending radially inward from an annular body portion. Accordingly, Applicant respectfully submits that for similar reasons that claim 26 is not taught, disclosed or contemplated by Ryan, that claim 33 is also not taught, disclosed or contemplated by Ryan or the prior art references of record. Accordingly, Applicant respectfully submits that claim 33, as amended herein, is patently distinguishable over Ryan, and therefore allowable over Ryan under 35 U.S.C. § 102(b).

As claims 34 and 36 depend, directly or indirectly, from claim 33 and contain all of the features of claim 33, Applicant respectfully submits that claims 34 and 36 are also allowable over Ryan under 35 U.S.C. § 102(b). Applicant respectfully submits that the rejections of each of the claims 33-36 have been overcome and should be withdrawn.

Claims 37 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ryan in view of U.S. Patent No. 6,048,360 to Khosravi et al. (hereinafter Khosravi). Applicant submits that claims 37 and 38 are allowable under 35 U.S.C. § 103(a) over Ryan in view of Khosravi.

The Examiner relies on Khosravi for the disclosure of a coiled sheet graft constructed from an alloy having shape memory characteristics, and also for a plurality of projections along

an outer surface of an annular body portion. Applicant submits that even if Khosravi does disclose a shape memory alloy and outer projections, Khosravi fails to cure the deficiencies of Ryan in that Khosravi does not disclose "a pair of guide rails extending radially inward from an inner surface of [an] annular body portion," as recited in independent claim 33.

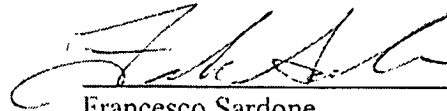
Accordingly, in view of the foregoing, since Khosravi fails to cure the deficiencies of Ryan, Applicant submits that claims 37 and 38 are allowable under 35 U.S.C. § 103(a) over Ryan in view of Khosravi.

In view of the amendments made to the claims herein, and in view of the remarks and arguments presented above, it is respectfully submitted that each of the rejections raised by the examiner in the present Office Action have been overcome. It is respectfully submitted that none of the references of record, considered individually or in any proper combination with one another, disclose or suggest the present invention as claimed.

Should the Examiner believe that a telephone interview may facilitate prosecution of this application, the Examiner is respectfully requested to telephone Applicant's undersigned representative at the number indicated below.

In view of the foregoing amendments and remarks, reconsideration of the application and allowance of claims 26-34 and 36-38 is earnestly solicited.

Respectfully submitted,



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